

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC WILLIAMS
T/U/O Mayor & City Council
of Baltimore City

Plaintiff

-vs-

H. D. INDUSTRIES, INC.

Defendant

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CIVIL ACTION # WMN-02-2147

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**PLAINTIFF'S MOTION FOR
LEAVE TO AMEND COMPLAINT**

Plaintiff, Eric Williams, by his attorneys, Mark E. Herman and William G. Kolodner, P.A., hereby move this Court for leave to amend the Complaint in accordance with Federal Rule of Civil Procedure 15(a).

1. This case concerns an injury to the plaintiff during use of the product designed and sold by the Defendant. Pursuant to the Pre-Trial Scheduling Order issued in the above-captioned case, Plaintiffs were required to designate experts on or before February 3, 2003 and were required to designate rebuttal experts on or before March 21, 2003.

2. Plaintiff was forced to file a Motion to Compel Responses to discovery prior to the taking of depositions because of delays by the Defendant.

3. Defendant's failure to respond to discovery in a timely manner forced the Plaintiff to delay the deposition of the Defendant and the Defendant's experts.

4. On January 29 and 30, 2004, Plaintiff took depositions of the President of the Defendant, the trainer which the Defendant provides to purchasers and users of its product, and

the Defendant's engineering expert.

5. Based on the deposition testimony, new information has come to light with regards to the design and safety of the product in question.

6. This new information provides further grounds for the Plaintiff's complaint of negligent design and strict liability for the dangerous product.

7. Until the occurrence of the above mentioned depositions, Plaintiff did not know the considerations and level of safety concerns that the manufacturer had intended to apply in the development and manufacture of the product. Therefore, Plaintiff had to wait until Defendant provided their testimony as to the safety concerns and the reasons behind foregoing certain precautionary measures before the level of negligence in design was known.

8. The trial date for the above-captioned case is far enough away that the Defendant is not unduly prejudiced by the amendment of the Complaint.

9. Essentially, the Amended Complaint confirms the allegations to the proof.

WHEREFORE, for the foregoing reasons, Plaintiff requests leave of this Court to accept the Amended Complaint filed contemporaneously herein.

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Attorneys for Plaintiff

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ORDER

UPON consideration of the Plaintiff's Motion for Leave to Amend Complaint, and the opposition thereto, if any, it is this _____ day of _____, 2004, by the United States District Court for the District of Maryland;

ORDERED that the leave to amend the Complaint is hereby GRANTED.

JUDGE
United States District Court for the
District of Maryland

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ERIC WILLIAMS
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Plaintiff

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H. D. INDUSTRIES, INC.

*

Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, 2004, a copy of the Motion for Leave to Amend Complaint and proposed Order was electronically filed in this case on _____, was mailed via first class mail, postage prepaid, to Robert H. Bouse, Jr., Esq., Jonathan A. Cusson, Esq., Anderson, Coe & King, LLP, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, attorney for H. D. Industries, Inc., and Thurman W. Zollicoffer, Jr., Esq., City Solicitor, Mayor & City Council of Baltimore City, 101 City Hall, Baltimore, Maryland 21202.

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